

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

DAB, INCORPORATED, a Nebraska Corporation, NCS TRANSPORTATION, INC., a Nebraska Corporation, MARVIN D. BENSON, and CAROL A. BENSON,)	CASE NO. 7:16-cv-5004
)	
)	
)	
)	
Plaintiffs,)	
)	AMENDED FINAL PROGRESSION
v.)	ORDER
)	
SUNBELT RENTALS, INC., a North Carolina Corporation,)	
)	
)	
Defendant.)	

IT IS SO ORDERED that the final progression order is as follows:

- 1) The non-jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, Lincoln County Courthouse, 301 N. Jeffers St., North Platte, Nebraska at 9:00 a.m. or February 5, 2018, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on January 23, 2018 at **10:30 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on January 19, 2018.
- 3) A status conference with the undersigned magistrate judge will be held on September 14, 2017 at 10:00 a.m., or as soon thereafter as can be heard by the Court, to discuss the status of case progression and potential settlement, by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) Mandatory disclosures shall be served by March 1, 2017.
- 5) The deadlines for moving to amend pleadings or add parties are:

For the plaintiff(s): April 3, 2017

For the defendant(s): April 3, 2017

- 6) The deadline for completing written discovery under Rules 33 and 36 of the Federal Rules of Civil Procedure is June 1, 2017. Motions to compel Rule 33 through 36 discovery must be filed by June 16, 2017. **Note:** Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 7) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(1)(2)(C)), are:

For the plaintiff(s): May 1, 2017

For the defendant(s): May 1, 2017

- 8) The deadlines for complete expert witnesses expected to testify at the trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(1)(2)(C)), are:

For the plaintiff(s): June 1, 2017

For the defendant(s): June 1, 2017

- 9) The deposition deadline is September 4, 2017.
- 10) The deadline for filing motions to dismiss and motions for summary judgment is October 2, 2017.¹
- 11) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is October 2, 2017.
- 12) Motions in limine shall be filed five (5) business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel shall plan accordingly.
- 13) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

April 26, 2017.

BY THE COURT:



Cheryl R. Zwart
United States Magistrate Judge

¹To facilitate the court's review, the parties are strongly encouraged to include hyperlinks to the evidence, CM/ECF record, and all legal authorities cited within their briefs filed in support of, or in opposition to, any motions filed. See NECivR 7.1. For instructions, see "Hyperlinking Information" at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.